

### REMARKS

This paper is responsive to the Office Action dated December 12, 2008. All rejections and objections of the Examiner are respectfully traversed. Reconsideration is respectfully requested.

The amendments herein are clarifications intended to more precisely set forth the present invention. Support for the amendments herein is found throughout the Specification as originally filed. For example, support in the Specification as originally filed for the present claim amendments includes paragraph 30 on page 10, paragraph 39 on pages 13-14, paragraphs 47-48 on page 16, paragraph 53 on page 17, paragraph 55 on page 18, and paragraphs 62-63 on page 20. Also see reference numbers 222 in Fig. 2, 616 in Fig. 5A, and 712 and 714 in Fig. 6A.

No new matter has been added.

Claims 18-19 stand rejected for non-statutory subject matter under 35 U.S.C. 101. Amendments to the claims herein are respectfully believed to meet all requirements in this regard.

Claims 1-20 stand rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. Amendments to the claims herein are respectfully believed to meet all requirements in this regard.

Claims 1-12, 15, 16 and 18-20 stand rejected for anticipation under 35 U.S.C. 102 based on United States patent number 6691067 ("Ding"). Applicant respectfully traverses this rejection.

Ding discloses a system for estimating statistics concerning system metrics to provide for the accurate and efficient monitoring of one or more computer systems. The Ding system

includes a distributed computing environment, which includes a plurality of interconnected computer systems. At least one of the computer systems in Ding is an agent computer system which includes agent software and/or system software for the collection of data relating to one or more metrics, i.e., measurements of system resources. Metric data is continually collected over the course of a measurement interval in Ding, regularly placed into a registry of metrics, and then periodically sampled from the registry indirectly.

When the computer programs are executed on one or more computer systems in Ding, an enterprise management system operates to monitor, analyze, and manage the computer programs, processes, and resources of the enterprise. Each computer system in the Ding enterprise executes or runs a plurality of software applications or processes. Each software application or process consumes a portion of the resources of a computer system and/or network: for example, CPU time, system memory such as RAM, nonvolatile memory such as a hard disk, network bandwidth, and input/output (I/O), and the enterprise management system in Ding permits users to monitor, analyze, and manage resource usage.

The enterprise management system of Ding includes an agent node that executes software to collect metric data on its computer system, and a console node that executes software to monitor, analyze, and manage the collected metrics from one or more agent nodes. The enterprise management system of Ding collects metrics such as CPU, disk I/O, file system usage, database usage, threads, processes, kernel, registry, logical volumes, and paging.

An “Analyze” user in Ding can either use a default workload specification or create his or her own, either with the supplied graphical user interface or with a standard text editor. A workload specification in Ding includes a user name, a process name, and other information. A workload in Ding is a useful grouping of key performance metrics, such as Oracle-related

processes classified as an "Oracle" workload, other processes classified as a "payroll" workload, and the remainder as a "miscellaneous" workload. From this classification data, the Analyze engine of Ding creates an Analyze GUI file which contains a list of processes captured within the analysis interval.

Nowhere in Ding is there disclosed or suggested any method for monitoring memory usage of an agent executing in said computer system, comprising:

- starting a resource tracking application for monitoring memory usage of said agent;
- creating a computer-readable data structure for storing information about said agent;
- identifying a process that is currently running on said computer system, and with which said agent is operatively associated;
- determining, by said resource tracking application, memory usage data for said agent;
- storing said memory usage data in said data structure;
- determining, responsive to said memory usage data in said data structure, that said memory usage of said agent exceeds a predetermined maximum memory usage threshold;
- and

*displaying, responsive to said determination that said memory usage of said agent exceeds said predetermined maximum memory usage threshold, a system administrator user interface, said system administrator user interface including an agent identifier uniquely associated with said agent, a recommended solution to address said exceeding of said predetermined maximum memory usage threshold by said agent, and an execute solution user interface object, wherein selecting of said execute solution user interface object by a user causes said recommended solution to be automatically performed.* (emphasis added)

as, for example, in the present independent claim 1. In contrast, Ding teaches that the forms of output that can be created using the Analyze GUI file can include a model file, reports, or a vizualizer file that is a description of the characteristics of the enterprise as determined by the collected metrics and the user input. Nothing in Ding discloses or suggests displaying, responsive to said determination that said memory usage of said agent exceeds said predetermined maximum memory usage threshold, a system administrator user interface, said

system administrator user interface including an agent identifier uniquely associated with said agent, a recommended solution to address said exceeding of said predetermined maximum memory usage threshold by said agent, and an execute solution user interface object, wherein selecting of said execute solution user interface object by a user causes said recommended solution to be automatically performed, as in the present independent claims.

For the above reasons, Applicant respectfully urges that Ding does not disclose or suggest all of the features of the present independent claims. Accordingly, Ding does not anticipate independent claims 1, 18 and 20 under 35 U.S.C. 102. As to claims 2-12, 15, 16 and 19, they each depend from independent claims 1 and 18, and are respectfully believed to be patentable over Ding for at least the same reasons.

Claims 13-14 and 17 stand rejected for obviousness under 35 U.S.C. 103, based on cited combinations of Ding with United States patent 6,691,067 ("Kirkpatrick") and with United States patent 6,938,254 ("Mathur"). As set forth above, Ding does not teach or suggest all the features of the present independent claim 1. Adding Kirkpatrick and/or Mathur to Ding does not remedy these shortcomings of Ding. Kirkpatrick discloses an application monitor that monitors whether each of a plurality of application processes is in fact running, and automatically attempts to remedy an occurrence where any of the application processes is not in fact running. Mathur discloses a method of controlling memory usage in a computer system having limited physical memory, wherein one or more application programs execute in conjunction with an operating system. Accordingly, neither the combination of Ding and Kirkpatrick nor the combination of Ding and Mathur discloses or suggests displaying, responsive to said determination that said memory usage of said agent exceeds said predetermined maximum memory usage threshold, a system administrator user interface, said system administrator user interface including an agent

identifier uniquely associated with said agent, a recommended solution to address said exceeding of said predetermined maximum memory usage threshold by said agent, and an execute solution user interface object, wherein selecting of said execute solution user interface object by a user causes said recommended solution to be automatically performed, as in the present independent claim 1, from which each of claims 13-14 and 17 depend.

Reconsideration of all pending claims is respectfully requested.

In this Amendment, Applicant has amended the independent claims to more precisely claim the invention. Applicant is not conceding that the subject matter encompassed by the unamended claims is not patentable. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by the unamended independent claims, in one or more continuing applications.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues requiring adverse action, it is respectfully requested that the Examiner telephone the undersigned Applicant's Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

May 12, 2009  
Date

/David Dagg/  
David A. Dagg, Reg. No. 37,809  
Attorney/Agent for Applicant(s)  
44 Chapin Road  
Newton MA 02459-1821  
(617) 630-1131